

Notice of Allowability

Application No.

10/765,007

Examiner

Lars A. Olson

Applicant(s)

SCHOOLER, TIMOTHY C.

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3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief received from the applicant on September 29, 2005.
2. ☒ The allowed claim(s) is/are 1-17, 20-24, 26, 27 and 29-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. On line 11 of Claim 9, the outline numeral "(ii)" has been deleted and replaced with the numeral "(iii)".
3. On line 1 of Claim 14, the phrase "of claim 1" has been deleted and replaced with the phrase "of claim 12" in order to correct a duplication of Claim 3.
4. An appeal brief was received from the applicant on September 29, 2005.
5. Claims 18, 19, 25 and 28 have been canceled.

Reasons for Allowance

6. Claims 1-17, 20-24, 26, 27 and 29-37 are allowed.
7. The following is an examiner's statement of reasons for allowance. The personal watercraft as claimed is not shown or suggested in the prior art because of the use of a watercraft that is comprised of a hull that defines a deck with a planar upper surface and has a bow, a stern, port and starboard sides, a length and a beam, and a plurality of pontoons that are repositionably attached to said hull, with at least one of said pontoons being attached proximate said port side, and at least one of said pontoons being

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attached proximate said starboard side, where said pontoons are laterally and longitudinally repositionable within a single plane relative to said hull between a storage position in which said pontoons are generally longitudinally aligned with said hull and have a minimal lateral distance between said pontoons, and a flotation position in which said pontoons are shifted rearwardly relative to said storage position and have a maximum lateral distance between said pontoons. The prior art also does not show or suggest the use of a personal watercraft that is comprised of a hull that defines a deck with a planar upper surface and has a bow, a stern, port and starboard sides, a length and a beam, and a pair of laterally spaced hitch attachments that are secured to said hull below said planar upper surface proximate the stern of said watercraft.

8. The prior art as disclosed by Crisp (US 2,678,018) shows the use of a personal watercraft that is comprised of a hull with a deck having an upper planar surface, a bow, a stern, port and starboard sides, and a pair of pontoons that are laterally and longitudinally repositionable between one of a pair of flotation positions that are oriented in a horizontal plane, and a storage position that is located in a vertical plane beneath the hull of said watercraft. Therefore, none of the prior art cited shows or suggests the use of a personal watercraft that is comprised of a hull that defines a deck with a planar upper surface and has a bow, a stern, port and starboard sides, a length and a beam, and a plurality of pontoons that are repositionably attached to said hull, with at least one of said pontoons being attached proximate said port side, and at least one of said pontoons being attached proximate said starboard side, where said pontoons are laterally and longitudinally repositionable within a single plane relative to said hull

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between a storage position in which said pontoons are generally longitudinally aligned with said hull and have a minimal lateral distance between said pontoons, and a flotation position in which said pontoons are shifted rearwardly relative to said storage position and have a maximum lateral distance between said pontoons. The prior art also does not show or suggest the use of a personal watercraft that is comprised of a hull that defines a deck with a planar upper surface and has a bow, a stern, port and starboard sides, a length and a beam, and a pair of laterally spaced hitch attachments that are secured to said hull below said planar upper surface proximate the stern of said watercraft.

Conclusion

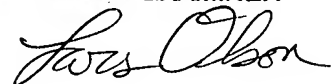
9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

November 7, 2005

LARS A. OLSON
PRIMARY EXAMINER



11/7/05